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4 BILL NO. 73-02-21

5 SPECIAL ORDINANCE NO. S-24-73

6 AN ORDINANCE approving an Agreement with
7 BERCOT INC. for construction of a water
8 line in Woodland Acres Addition.

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
10 FORT WAYNE, INDIANA:

11 SECTION 1. The Agreement approved February 13, 1973,
12 between the City of Fort Wayne, by and through its Mayor and
13 the Board of Public Works, and BERCOT, INC. for installation of
14 a water line, to be constructed and installed as follows:

15 1770+ feet of 6 inch water main in and along the north
16 side of Oakwood Dr., from the west property line of
17 Hessen Cassel Road to the west property line of Lot
18 16, also along the west side of Waycross Dr., from the
19 north property line of Oakwood Dr., to the north property
20 line of lot 19, all in Woodland Acres Addition. And said
21 water main with all its appurtenances shall be constructed
22 in accordance with the profile and specifications now on
23 file in the office of the Department of Public Works of
24 said City.

25 for a total cost of \$20,141.10 on which the City will be paying
26 \$2,016.70 with balance paid by property owners, all as more
27 particularly set forth in said Agreement, which is on file in
28 the Office of the Board of Public Works, and is by reference
29 incorporated herein and made a part hereof, is hereby in all
30 things ratified, confirmed and approved.

31 SECTION 2. This Ordinance shall be in full force and
32 effect from and after its passage and approval by the Mayor.

33
34
35
James S. Stur

Councilman

APPROVED AS TO FORM
AND LEGALITY,

CITY ATTORNEY

Read the first time in full and on motion by Stier, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Pulpas Works (and to the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 2-27-73

Charles W. Tuten
CITY CLERK

Read the third time in full and on motion by Stier, seconded by V. Schmidt, and duly adopted, placed on its passage. Passed (~~LOST~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date: 3-13-73

Charles W. Tuten
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (~~Appropriation~~) Ordinance (Resolution) No. D-24-73 on the 13th day of March, 1973.

ATTEST:

(SEAL)

Charles W. Tuten
CITY CLERK

W. J. C. W. Jr.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of March, 1973, at the hour of 7:30 o'clock A. M., E.S.T.

Charles W. Tuten
CITY CLERK

Approved and signed by me this 14th day of March, 1973, at the hour of 11:40 o'clock A. M., E.S.T.

John A. Reaney
MAYOR

Bill No. S-73-02-21

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
approving an Agreement with BERCOT INC. for construction of
a water line in Woodland Acres Addition

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

James S. Stier - Chairman

Eugene Kraus, Jr. - Vice-Chairman

Samuel J. Talarico

William T. Hinga

Vivian G. Schmidt

James S. Stier
Eugene Kraus, Jr.
Samuel J. Talarico
William T. Hinga
Vivian G. Schmidt

DATE 3-13-73 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

As you will note on the tabulation sheet, Simmons and Brady Excavating was the low bidder on the project. After the bidding, they notified the Board they did not realize property owners would be allowed to bond their assessment and refused the award. Rather than foreclose on their bond, the Board is permitting them to pay the difference between their low bid and the bid of the second low bidder (Bercot, Inc.) the amount being \$671.40.

Breakdown on Total Project

Contractor	\$20,141.10	
Utility Taps	3,750.00	(To be done by City Utilities Water Construction Dept. at \$150.00 each)
Engineering Fees	1,770.00	
Advertising	50.00	
Permit Fees	<u>10.00</u>	
	\$25,721.10	
Less	<u>671.40</u>	
Total Cost of Project	\$25,049.70	

City's share of \$2,016.70 is for construction of connecting main with mains on adjacent and paralleling streets to create a looped system for benefit of all in the area.

CONTRACT AND BOND

This Agreement. Made and entered into as of the 13th day of

February 19. 73, by and between

Bercot, Inc.

the County of Allen and State of Indiana, party of the first part, and the City of Fort Wayne, County of Allen, State of Indiana, by and through its Board of Public Works, party of the second part, under and by virtue of an Act of the General Assembly of the State of Indiana, entitled "An Act Concerning Improvements, in or for the benefit of recorded platted additions to and/or within cities and towns." Approved May 16, 1927, and the provisions of all acts amendatory thereto and supplemental thereof.

WITNESSETH, That the party of the first part covenants and agrees to construct

1770+ feet of 6 inch water main in and along the north side of Oakwood Dr., from the west property line of Hessen Cassel Road to the west property line of lot 16, also along the west side of Waycross Dr., from the north property line of Oakwood Dr., to the north property line of lot 19, all in Woodland Acres Addition. And said water main with all its appurtenances shall be constructed in accordance with the profile and specifications now on file in the office of the Department of Public Works of said City.

for the Following Prices

BID:

Item	Quantity	Unit Price	Extension
1.	1770+ ft. 6" Cast Iron Water Main	<u>8.03</u>	<u>14,213.10</u>
2.	3 Each Fire Hydrant Assy., Type II w/box	<u>674.00</u>	<u>2,022.00</u>
3.	2 Each 6" Valves w/box	<u>187.00</u>	<u>374.00</u>
4.	1 Only 6" Valve Restrained w/box	<u>187.00</u>	<u>187.00</u>
5.	1 Only 6" Solid Sleeve (M. J.)	<u>150.00</u>	<u>150.00</u>
6.	110' Lin Ft. Driveway Stone Replacement	<u>1.65</u>	<u>181.50</u>
7.	55 Lin. Ft. Asphalt Replacement	<u>3.85</u>	<u>211.75</u>
8.	95 Lin. Ft. Concrete Replacement	<u>11.00</u>	<u>1045.00</u>
9.	105 Lin. Ft. 12" C. M. P.	<u>7.00</u>	<u>735.00</u>
10.	1525 Lin. Ft. Top Soil & Seeding	<u>.67</u>	<u>1021.75</u>

The said party of the first part further agrees to do and perform all of said work to the entire satisfaction of the Board of Public Works and to complete the same within 90 days after the date of Execution of this contract. To each of the conditions and stipulations of this contract the undersigned bind themselves, their successors and assigns.

IN WITNESS WHEREOF, We, the foregoing named parties hereunto set our hands this 5th

day of February 19. 73.

BERCOT, INC.
9835 MOBILE AVENUE
FORT WAYNE, INDIANA 46835

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY

Contractor, party of the first part.

This contract approved by us this 13th day of February 19. 73

BOARD OF PUBLIC WORKS,
Party of the second part.

Mayor

LIABILITY BOND

KNOW ALL MEN BY THESE PRESENTS, That we

Bercot, Inc.

as principal and General Insurance Company of America

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of

Twenty Thousand One Hundred Forty One and 10/100 Dollars (\$ 20,141.10)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

The conditions of the above obligations are such, that if the above named party of the first part shall faithfully comply with the foregoing contract made and entered into the

day of February 1973, with the City of Fort Wayne, Indiana, and shall faithfully fulfill all the conditions and stipulations therein contained including the payment of vendors', suppliers and sub-contractors' bills, except the warranty and guaranty of the water main as to the workmanship, material and condition for the period of One (1) year, according to the true intent and meaning thereof in all respects, then this obligation to be void, other wise to be an remain in full force and virtue in law and in the event the said City shall extend for the completion of said work, such extension shall not in any way release the sureties of this bond.

Witness our hands and seals this 5th day of February 1973

GENERAL INSURANCE COMPANY OF AMERICA Bercot, Inc. (SEAL)

By Stanley Huff Attorney-in-fact (SEAL) its Secretary (SEAL)

Approved this 13th day of February 1973

Ronald K. Bower Board of Public Works

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with Sections 5, 68, 69 of the Workmen's Compensation Act, approved March 14, 1929, in accordance with Section 14 of the Compensation Act (Acts 1929, page 545, being Section 9459 of Burns Annotated Statutes Volume IV). (Section 40-1214 Burns Annotated 1952 Revision—Volume VIII).

A copy of General Ordinance No. G-60-66, concerning discriminating in employment under municipal contracts, is attached and incorporated herein by reference.

GUARANTY BOND

KNOW ALL MEN BY THESE PRESENTS, That we.....

Bercot, Inc.

Contractors

as principal and General Insurance Company of America

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of

Twenty thousand one hundred forty one and 10/100 Dollars (\$ 20,141.10)

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators, and assigns firmly by these presents.

The conditions of the above obligations are, that whereas the said

Bercot, Inc.

did on the 5th day of February, 1973, enter into a contract with the City of Fort Wayne, Indiana, by and through its Board of Public Works, for the construction of a water main

in and along 1770+ feet of 6" water main in and along the north side of Oakwood Dr. from the west property line of Hessen Cassel Road to the west property line of lot 16, also along the west side of Waycross Dr., from the north property line of Oakwood Dr. to the north property line of lot 19, all in Woodland Acres Addition. And said water main with all its appurtenances, shall be constructed in accordance with the profile and specifications now on file in the office of the Department of Public Works of said City.

according to certain plans and specifications, and also warranting and guaranteeing the work, material and conditions of the water main as provided in the aforesaid contract, plans and specifications.

Now, if the said Bercot, Inc.

shall faithfully perform and fulfill all the requirements of said warranty and guaranty, and make all repairs required under said guarantee, and in the manner provided for, then this bond to be null and void otherwise to be in full force and effect.

WITNESS our hands and seals this 5th day of February, 1973.

GENERAL INSURANCE COMPANY OF AMERICA

BY 7/1 Stanley Huff
Attorney-in-fact

Bercot, Inc. (SEAL)

Al Dean Bercot (SEAL)

Its Secretary Treasurer (SEAL)

Approved this 13th day of February, 1973

Board of Public Works.

DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE BOARD
CITY HALL

To Whom It May Concern: Fort Wayne, Ind., 19.....

The time in which to complete the within contract is hereby extended by the Board of Public Works
of the City of Fort Wayne, Indiana, until

Board of Public Works.

DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE BOARD
CITY HALL

To Whom It May Concern: Fort Wayne, Ind., 19.....

The time in which to complete the within contract is hereby extended by the Board of Public Works
of the City of Fort Wayne, Indiana, until

Board of Public Works.

CONTRACT AND BOND

of

for

Amount of Bond

Approved:

Dollars

Board of Public Works.

Recorded in Contract Record Book No.

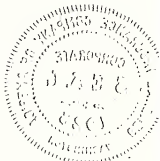
Page..... Recorded in..... Imp. Res.
Record Book No..... Page.....

Improvement Resolution No. 19.....

Cost per lot \$.....

Assessment Roll Approved

Final Estimate Approved





POWER OF ATTORNEY

No. 2388

KNOW ALL MEN BY THESE PRESENTS:

That General Insurance Company of America, a Washington corporation, does hereby appoint

-----H. STANLEY HUFF, JR. &/or DONALD F. CAMPBELL, Fort Wayne, Indiana-----

its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surety bonds or undertakings and other documents of a similar character issued by the company in the course of its business, and to bind General Insurance Company of America thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, General Insurance Company of America has executed and attested these presents

this 15 day of December, 19 67.

J. D. Hammersla SECRETARY

E. H. Lurvey PRESIDENT

CERTIFICATE

Extract from the By-Laws of General Insurance Company of America:

"Article VI, Section 13. - FIDELITY AND SURETY BONDS . . . the Chairman of the Board of Directors, the President, any Vice President, and the Secretary shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business.

"The power of appointment granted in this paragraph to the officers enumerated may be exercised by each of them severally, regardless of the availability or unavailability of the other officers enumerated. On any instrument making or evidencing such appointment the signatures may be affixed by facsimile.

"On any instrument conferring such authority or on any bond or undertaking of the company the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

I, W. D. Hammersla, Secretary of General Insurance Company of America, do hereby certify that the foregoing is a true and correct copy of Article VI, Section 13 of the By-Laws of said corporation and of a power of attorney executed pursuant thereto and that both said By-Laws and said power of attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 5th day of February, 19 73.



J. D. Hammersla

SECRETARY

BID TABULATIONS FOR RESOLUTION # 1003

WOODLAND ACRES ADDITION

JANUARY 9, 1973

BID:

Item	Quantity	SIMMONS & BRADY, INC.		BERGOT INC.		JOHN DEHNER INC.	
		Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1.	1770± ft. 6" Cast Iron Water Main	<u>5.76</u>	<u>10,195.20</u>	<u>8.03</u>	<u>14,213.10</u>	<u>\$ 8.60</u>	<u>\$ 15,222.00</u>
2.	3 Each Fire Hydrant Assy., Type II w/box	<u>625.00</u>	<u>1875.00</u>	<u>674.00</u>	<u>2,022.00</u>	<u>575.00</u>	<u>1,725.00</u>
3.	2 Each 6" Valves w/box	<u>525.00</u>	<u>1050.00</u>	<u>187.00</u>	<u>374.00</u>	<u>154.00</u>	<u>308.00</u>
4.	1 Only 6" Valve Restrained w/box	<u>205.00</u>	<u>205.00</u>	<u>187.00</u>	<u>187.00</u>	<u>180.00</u>	<u>180.00</u>
5.	1 Only 6" Solid Sleeve (M. J.)	<u>187.00</u>	<u>187.00</u>	<u>150.00</u>	<u>150.00</u>	<u>100.00</u>	<u>100.00</u>
6.	110' Lin Ft. Driveway Stone Replacement	<u>3.25</u>	<u>357.50</u>	<u>1.65</u>	<u>181.50</u>	<u>1.00</u>	<u>110.00</u>
7.	55 Lin. Ft. Asphalt Replacement	<u>4.25</u>	<u>233.75</u>	<u>3.85</u>	<u>211.75</u>	<u>1.65</u>	<u>90.75</u>
8.	95 Lin. Ft. Concrete Replacement	<u>4.75</u>	<u>451.25</u>	<u>11.00</u>	<u>1045.00</u>	<u>5.50</u>	<u>522.50</u>
9.	105 Lin. Ft. 12" C. M. P.	<u>13.00</u>	<u>1365.00</u>	<u>7.00</u>	<u>735.00</u>	<u>8.50</u>	<u>892.50</u>
10.	1525 Lin. Ft. Top Soil & Seeding	<u>2.00</u>	<u>3050.00</u>	<u>.67</u>	<u>1021.75</u>	<u>.90</u>	<u>1372.50</u>
11.	25 Each 3/4" Service taps with curb stop and curb box, installed to within 7' of owners property line, in desired location of each property owner. Vacant lots to be installed in center of lot.	<u>170.00</u>	<u>4250.00</u>	<u>150.00</u>	<u>3750.00</u>	<u>168.00</u>	<u>4200.00</u>
Total Bid			<u>23,219.70</u>		<u>23,891.10</u>		<u>\$ 24,723.25</u>
12.	<u>51</u> Inspection Hours	@ \$8.44	<u>430.44</u>	@ \$8.44 = 40 hrs.	<u>337.60</u>	@ \$8.44 = 32 hrs.	<u>270.08</u>
COMPLETION IN DAYS		90 DAYS		90 DAYS		30 DAYS	

DIGEST SHEETTITLE OF ORDINANCE Special Ordinance #3065DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE Requesting approval of City Utilities expenditure of
approximately \$2,016.70 on construction of water line to serve properties in Woodland
Acres Addition. The 25 affected property owners will pay the balance of \$23,033.00
or approximately \$921.00 each.

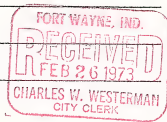
SEE ATTACHMENT

EFFECT OF PASSAGE Water service to property owners who petitioned for same.
Twenty-five additional customers for City Utilities.

EFFECT OF NON-PASSAGE Denial of City Utilities water
service to 25 properties.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) Direct cost to City is
\$2,016.70.

ASSIGNED TO COMMITTEE (J.N.) Public Works



O. 73-02-21

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

<input checked="" type="checkbox"/>	BILL NO. <i>D-73-02-21</i>
	ORDINANCE NO.
<input checked="" type="checkbox"/>	REGULAR SESSION <i>2-27-73</i>
	SPECIAL SESSION
	APPROVED AS TO FORM AND LEGALITY <i>Keller</i>
<input checked="" type="checkbox"/>	BILL WRITTEN BY <i>Rev. J. Public Works</i>
	DATE INTRODUCED <i>2-27-73</i>
	REFERRED TO SAID STANDING COMMITTEE <i>Public Works</i>
	REFERRED TO CITY PLAN
	LEGAL PUBLIC HEARING
	LEGAL PUBLICATION
	JOINT HEARING
	DEPARTMENT HEARING
	HOLD FILE
<input checked="" type="checkbox"/>	PASS <i>3-13-73</i>
	DO NOT PASS
	WITHDRAWN
	SUSPENSION OF RULES
	PRIOR APPROVAL
	ORDINANCE TAKEN OUT OF OFFICE
	OTHER INSTRUCTIONS REGARDING ORDINANCE
	CORRECTIONS MADE TO ORDINANCE
	PEOPLE SPEAKING FOR ORDINANCE
	PEOPLE SPEAKING AGAINST ORDINANCE

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
	PURCHASE ORDERS
<input checked="" type="checkbox"/>	<i>see Workbooks across</i> BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	<i>Conrad & Bank</i> ZONING MAPS
	<i>Feasibility Study</i> ABSTRACTS <i>Security Bond</i>
	<i>Power of Attorney</i> TITLES
	PRIOR APPROVAL LETTER

Degas Check.

COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS	<input checked="" type="checkbox"/>		
HINGA	<input checked="" type="checkbox"/>		
KRAUS	<input checked="" type="checkbox"/>		
MOSES	<input checked="" type="checkbox"/>		
NUCKOLS	<input checked="" type="checkbox"/>		
D. SCHMIDT	<input checked="" type="checkbox"/>		
V. SCHMIDT	<input checked="" type="checkbox"/>		
STIER	<input checked="" type="checkbox"/>		
TALARICO	<input checked="" type="checkbox"/>		

COMMENTS: